IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE

SNMP RESEARCH, INC. and SNMP RESEARCH INTERNATIONAL, INC., Case No. 3:20-cv-00451 Plaintiffs, v. **BROADCOM INC.; BROCADE** COMMUNICATIONS SYSTEMS LLC; and EXTREME NETWORKS, INC.,

Defendants.

MOTION FOR SCHEDULING CONFERENCE

COME NOW the Plaintiffs, SNMP RESEARCH, INC. and SNMP RESEARCH INTERNATIONAL, INC. ("Plaintiffs") and, pursuant to Rule 16(b) of the Federal Rules of Civil Procedure and Rule 16.1(c) of the Local Rules of this Court, respectfully ask this Court to hold a scheduling conference for the purpose of entering a scheduling order to establish a trial date and other pertinent deadlines for scheduling and securing proof in preparation for trial.

In support whereof, Plaintiffs submit as follows:

- 1. This case was filed on October 26, 2020.
- 2. Since filing the Complaint, Plaintiffs have attempted to litigate this case and advance it towards resolution.
- 3. On January 6, 2021, the parties submitted a Joint Report of the Parties' Rule 26(f) Planning Meeting wherein the parties stated that they "reasonably believe that a significant volume of material may need to be searched," and that discovery may include "the time consuming and tedious task of evaluating thousands of lines of computer source code." Dkt. 46 at 4.
- 4. On April 16, 2021, this case was re-assigned to the Honorable Charles E. Atchley, Jr.

- 5. The parties have been largely unable to reach agreement on issues relating to fact and jurisdictional discovery and completion of that discovery (Plaintiffs have one motion to compel still pending; Dkt. 96), and Defendant Extreme Networks, Inc. has referred Plaintiffs to the lack of any schedule governing discovery in this case during discussions regarding the timing of discovery responses and resolution of issues including Defendants' document and source code production.
- 6. Plaintiffs respectfully submit that the entry of a scheduling order including dates for expert disclosures and completion of discovery among other pretrial deadlines would assist in advancing the progress of this matter toward trial.

WHEREFORE, Plaintiffs pray this Court set a scheduling conference in this matter.

Respectfully submitted this 8th day of October 2021.

Respectfully submitted,

Dated: October 8, 2021 By: /s/ Cheryl G. Rice

John L. Wood, Esq. (BPR #027642) Cheryl G. Rice, Esq. (BPR #021145)

Rameen J. Nasrollahi, Esq. (BPR #033458)

EGERTON, McAFEE, ARMISTEAD & DAVIS, P.C.

900 S. Gay Street, Suite 1400

P.O. Box 2047

Knoxville, TN 37902

(865) 546-0500 (phone)

(865) 525-5293 (facsimile)

jwood@emlaw.com

crice@emlaw.com

rnasrollahi@emlaw.com

Dated: October 8, 2021 By: /s/ A. Matthew Ashley

A. Matthew Ashley (CA Bar. No. 198235)

Morgan Chu (CA Bar. No. 70446)

David Nimmer (CA Bar. No. 97170)

Olivia Weber (CA Bar. No. 319918)

IRELL & MANELLA LLP

1800 Avenue of the Stars, Suite 900

Los Angeles, California 90067-4276

(310) 277-1010 (phone) (310) 203-7199 (facsimile) mchu@irell.com dnimmer@irell.com mashley@irell.com

Attorneys for Plaintiffs SNMP Research International, Inc. SNMP Research, Inc.